

Serial No. 10/673,260

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REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1, 4-5, 8-11, 21 and 23-31 are pending in the application. Claims 3, 15 and 22 have been cancelled without prejudice or disclaimer. The remaining claims have been amended, where appropriate, to improve claim language. The amended claims find solid support in the original specification and the drawings. No new matter has been introduced through the foregoing amendments.

The final rejections are traversed for the reasons detailed in the Request for Reconsideration filed February 20, 2008 which are incorporated by reference herein. The claims have nevertheless been amended solely for the purpose of expediting prosecution.

In particular, independent claim 1 now recites, among other things,

said engaging region, defined by a non-woven fabric that has no adhesive on said surface, comprises (a) an engaging portion directly, mechanically and non-adhesively engageable with said hook member, and (b) a non-engaging portion with which said hook member can barely be engaged or cannot be engaged at all and which comprises a nonwoven fabric having a lower engaging force with said hook member than the engaging portion and a larger area that faces the hook member than the engaging portion;...

said fixing tape comprises (i) a fixing tape substrate, (ii) said hook member provided on a surface of said fixing tape substrate, and (iii) a gripping portion at one of opposite ends of the fixing tape substrate and adjacent to the hook member;...

said engaging region defines a temporary fixing portion at which said fixing tape is temporarily fixed to said surface of the side flap in a manner that most of the direct engagement between the engaging portion and the hook member is achieved by a portion of the hook member that is immediately adjacent the gripping portion.

The amended features find support in at least the original drawings, e.g., FIGs. 6A-6B which disclose that the engaging region (7) is defined by a non-woven fabric (upper layer of 3) that

Serial No. 10/673,260

has no adhesive on the surface and comprises an engaging portion (7b) directly, mechanically and non-adhesively engageable with the hook member (6). Further, the fixing tape (4) comprises a fixing tape substrate (5), the hook member (6) provided on a surface of the fixing tape substrate, and a gripping portion (5b) adjacent to the hook member. As shown in FIGs. 6A-6B, the engaging region (7b) defines a temporary fixing portion at which the fixing tape (4) is temporarily fixed to the surface of the side flap (3) in a manner that most of the direct engagement (7b) between the engaging portion (7b) and the hook member (6) is achieved immediately adjacent the gripping portion (5b). An advantage of the disclosed arrangement is that the fixing tape can be quickly peeled off the side flap.

Amended claim 1 is distinguishable from *Suekane* at least in that the reference fails to teach or suggest an engaging region which is defined by a non-woven fabric that has no adhesive on said surface and which comprises an engaging portion directly, mechanically and non-adhesively engageable with said hook member. As can be seen in the figures of *Suekane*, the attachment between the hook member 15/22 and the side flap is achieved through adhesive 20. The additional provision of adhesive 20 in *Suekane* is deemed disadvantageous for the reasons detailed in the specification of the application as filed, at the paragraph bridging pages 2-3, i.e., due to the increased complexity and cost of the manufacturing process. Therefore, the reference as applied by the Examiner does not fairly teach or suggest the claim feature.

Amended claim 1 is also distinguishable from *Suekane* in that the reference fails to teach or suggest that most of the direct engagement between the engaging portion and the hook member is achieved by a portion of the hook member that is immediately adjacent the gripping portion. As can be seen in the figures of *Suekane*, the attachment between the hook member 15/22 and the side flap is mostly achieved through adhesive 20, i.e., by the middle portion of the hook member 15/22, rather than at the portion (*left* reference numeral 22) of the hook member that is immediately adjacent the gripping portion 18 as required by the amended claim feature.

Serial No. 10/673,260

Accordingly, Applicants respectfully submit that amended claim 1 is patentable over *Suekane* as applied by the Examiner.

Independent **claim 21** includes a limitation similar to claim 1, i.e., “engaging region being defined by a non-woven fabric that has no adhesive on said surface and comprising an engaging portion with which said hook member is directly, mechanically and non-adhesively engageable and which is located adjacent the end portion of said diaper main body,” and is believed patentable over *Suekane* as applied by the Examiner for at least the relevant reasons advanced with respect to claim 1.

The **dependent claims** are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

As to **claim 31**, Applicants respectfully disagree with the Examiner’s rejection, because the references singly or in combination do not fairly teach or suggest the claimed “opening in said attaching portion, a portion of said inner surface of said side flap being exposed through said opening.” *Suekane* as applied by the Examiner discloses a hole in the side flap 2, rather than in a attaching portion 16 of the fixing tape 9. *Tanzer* discloses holes 64/68 where the hook member is, not in the fixing portion 84 (FIG. 8). Thus, no references teach or suggest any opening in the fixing portion, and therefore, their combination if proper would not include the claim feature.

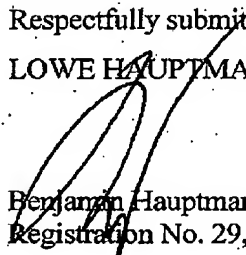
Each of the Examiner’s rejections has been overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

Serial No. 10/673,260

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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